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**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3772/Examiner Michael Brown

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 09/605,001

Gary Karlin Michelson

Filed: June 27, 2000

APPARATUS AND METHOD OF INSERTING

SPINAL IMPLANTS

Attorney Docket No. 101.0044-04000

Customer No. 22882

Confirmation No.: 5171

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 17

**Date:** April 14, 2009

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Reply to Ex Parte Quayle Office Action with copy of Claim Chart Under 37 C.F.R. § 41.202(a)(3) as filed on January 5, 2009 are being facsimile transmitted to the U.S. Patent and Trademark Office on April 14, 2009.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0044-04000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Gary Karlin Michelson  
Serial No.: 09/605,001  
Filed: June 27, 2000  
For: APPARATUS AND METHOD OF  
INSERTING SPINAL IMPLANTS

Confirmation No.: 5171

Group Art Unit: 3772  
Examiner: Michael A. Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to the Office Action dated April 1, 2009 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ The total amount of \$\*\*\*.00 to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: April 14, 2009

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
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Transmittal of Reply to OALDOC

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Attorney Docket No.: 101.0044-04000  
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Transmittal of Reply to OA.DOC